



COUNTY OF ORANGE CERTIFIED UNIFIED PROGRAM AGENCY - CUPA
HEALTH CARE AGENCY / ENVIRONMENTAL HEALTH
2009 E. EDINGER AVENUE SANTA ANA, CA 92705-4720
Telephone: (714) 667-3600 / FAX: (714) 568-5116

LEGISLATIVE REQUIREMENTS

Chapter 6.95 of Division 20 of the California Health and Safety Code (H&SC) and Section 11022 of Title 42 of the United States Code contain the minimum requirements for hazardous material inventory reporting and data management. These regulations require businesses within this jurisdiction to complete a chemical inventory form to disclose hazardous materials stored, used, or handled on site. This disclosure information will assist emergency responders in planning for and handling emergencies involving hazardous materials. The main program objective is to safeguard the lives of emergency responders, the public, and to minimize property loss.

The H&SC also requires a Business Emergency Plan (BEP). The intent of the BEP is to assist in mitigating a release or threatened release of a hazardous material, and to minimize any potential harm or damage to human health or the environment.

In accordance with the provisions of Chapter 6.95, disclosure of hazardous materials shall be updated at least annually.

Haz Mat Reporting Forms can be found at: <http://www.ochealthinfo.com/regulatory/cupa/forms.htm>

These forms will satisfy disclosure requirements of State laws as well as Sections 311 and 312 of Federal law (EPCRA - SARA Title III).

This agency is mandated to maintain files of all chemical inventory information and business plans. During our regular business hours, this information shall be made available for public inspection. Trade secret and other confidential information will not be available for public inspections.

REPORTING REQUIREMENTS

What is a hazardous material?

Any material, because of its quantity, concentration, physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or the environment if released into the work place or the environment; or any material that is required to have a Material Safety Data Sheet according to Title 8 Section 339 of the California Code of Regulations.

When is disclosure required? If you use, handle or store hazardous materials in quantities equal to or more than:

55 gallons of a liquid
500 pounds of a solid
200 cubic feet of a gas

AND/OR:

Extremely Hazardous Substances (EHS) – Federal and State law now mandates special reporting of chemicals listed on the Federal EPA EHS list. You must report these chemicals if the amount on site at any given time exceeds the “Threshold Planning Quantity” (TPQ) for that material, or if it exceeds the California threshold quantities listed above (55 gallons, 500 pounds, 200 cubic feet), **whichever is less**.

EXAMPLE: Chlorine gas is on the EHS list, with a TPQ of 100 pounds. You have up to 150 pounds stored on site at any given time (standard chlorine cylinder is 150 lbs.). Even though you handle less than the 500-pound basic quantity, you must still disclose.

The EHS list can be found on the EPA web site at:

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/chemicals.htm>

Hazardous Waste – Hazardous waste is also a hazardous material and **MUST** be disclosed. Hazardous waste will not be counted for the number of billable hazardous materials.

EXCEPTIONS

Disclosure is **not** required for the following:

1. Oxygen, nitrogen and nitrous oxide maintained by a physician, dentist, podiatrist, veterinarian, or pharmacist in quantities equal to or less than 1000 cubic feet at any one time, at his or her office or place of business.
2. Lubricating oil is exempt for a single business facility, if the total volume of each type of lubricating oil handled at that facility does not exceed 55 gallons and the total volume of all types of lubricating oil handled at that facility does not exceed 275 gallons, at any one time.
For purposes of this paragraph, "lubricating oil" means any oil intended for use in an internal combustion crankcase, or the transmission, gearbox, differential, or hydraulic system of an automobile, bus, truck, vessel, plane, heavy equipment, or other machinery powered by an internal combustion or electric powered engine. "Lubricating oil" does not include used or waste oil.
3. Hazardous material contained solely in a consumer product for direct distribution to, and use by, the general public (this exemption does **not** include the materials used to manufacture these products).
4. Any material that is in-transit under active shipping papers. This applies to chemical distributors who receive, then re-distribute materials in their original containers, without bulk storage and handling or repackaging; **and** the materials are on site for 30 days or less.

BUSINESS EMERGENCY PLAN

Every business subject to the Hazardous Materials Program shall develop and implement a Business Emergency Plan (BEP). The BEP shall include the following minimum emergency response procedures for a release or threatened release of hazardous materials, scaled appropriately for the size and nature of the business, the nature of the damage potential of the hazardous materials handled, and the proximity of the business to residential areas and other populations:

(a) immediate notification of:

- (1) local emergency response personnel;
- (2) the administering agency and the State Office of Emergency Services;
- (3) persons within the facility who are necessary to respond to an incident;

(b) identification of local emergency medical assistance appropriate for potential accident scenarios;

(c) mitigation, prevention, or abatement of hazards to persons, property, or the environment;

(d) immediate notification and evacuation of the facility; and

(e) identification of areas of the facility and mechanical or other systems that require immediate inspection or isolation because of their vulnerability to earthquake related ground motion.

Training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material, including, but not limited to, familiarity with the plans and procedures specified in subdivision (b). These training programs may take into consideration the position of each employee.

A business may use the attached BEP *template* for submittal if appropriate for the company size and materials handled. However, the business may be required to submit additional information or documentation if the BEP is determined to be deficient by the agency.

Please read the information and instructions sheets carefully and return **the completed forms within 30 days of receipt to:**

**County of Orange CUPA
2009 E Edinger Ave
Santa Ana, CA 92705**

FEES

Fees are for recovery of costs to operate the Hazardous Materials Management Section and are based upon the number of chemicals used, handled, or stored by your business.

FINES

Failure to comply or falsification of BEP and/or Inventory information is subject to fines and penalties.

1. Failure to develop, implement a Business Emergency Plan and/or disclose all regulated materials shall be civilly liable for up to two thousand dollars (\$2,000) for each day in which the violation occurs.
2. Any business that knowingly fails to comply with this program, after reasonable notice of the violation, shall be civilly liable to the administering county or city in an amount not to exceed five thousand dollars (\$5,000) for each day in which the violation occurs.
3. Any person that knowingly violates Section 25503.5, 25503.7, 25503.8, 25505, 25508, 25509, 25509.3, 25510, or 25533 after reasonable notice of the violation, is, upon conviction, guilty of a misdemeanor. This section does not preempt any other applicable criminal or civil penalties.
4. Any person or business that fails to immediately report a release or threatened release shall, upon conviction, be punished by a fine of not more than twenty-five thousand dollars (\$25,000) for each day of violation, or by imprisonment in the county jail for not more than one year, or by both the fine and imprisonment. Furthermore, if the violation results in, or significantly contributes to, an emergency, including a fire, to which the county or city is required to respond, the person shall also be assessed the full cost of the county or city emergency response, as well as the cost of cleaning up and disposing of the hazardous materials.

Verification of disclosure information will be handled through the annual CUPA Inspection Program.

The submission of any information required under this program does not affect any other liability or responsibility of a business with regard to safeguarding the health and safety of an employee or any other person.

Compliance with this chapter shall not be deemed to be compliance with the duty of care required of any business for purposes of any judicial or administrative proceeding conducted pursuant to any other provision of law.

REPORTING CHANGES

You are required by law to notify our office in writing of any changes in the business and/or chemical inventory information within 15 days. Such changes include but are not limited to the following:

- ☐ Any handling of previously undisclosed hazardous materials subject to disclosure.
- ☐ Changes in quantity of a previously disclosed hazardous material.
- ☐ Change of business address.
- ☐ Change of business ownership.
- ☐ Change of business name.

Changes in your Business Emergency Plan shall be submitted to this office within 30 days. If in doubt about whether you must report, please call this office at (714) 667-3600 to inquire.